

Tenancy Services

Healthy Homes Standards Moisture Ingress and Drainage



Tenancy Services



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

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1. A rental property must have a drainage system that:
 - › efficiently drains storm water, surface water and ground water to an appropriate outfall, and
 - › includes appropriate gutters, downpipes and drains to remove water from the roof.
2. Rental properties with suspended floors, where the subfloor space is enclosed, must have a ground moisture barrier (unless it is not reasonably practicable to install one).

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About this guide

A landlord who rents a property under the **Residential Tenancies Act 1986** will need to ensure their property meets the healthy homes standards. This requirement came into force on different dates, depending on the type of tenancy, from 1 July 2021.

All rental properties must now comply with the healthy homes standards.

This guidance document provides advice for assessing whether a property is compliant with the moisture ingress and drainage standard of the *Residential Tenancies (Healthy Homes Standards) Regulations 2019*.

This legislation allows landlords to carry out work themselves where a Licensed Building Practitioner (LBP), Licensed Electrical Worker (LEW) or Licensed Gas Worker (LGW) is not required. However, landlords must employ an LBP for restricted building, plumbing or drainage work, a LEW for prescribed electrical work or a LGW for restricted gasfitting work. Landlords are advised to employ a reputable professional where they have any doubts about achieving the required quality of work themselves, or where they are uncertain about whether exemptions apply.

Things to do

- › Safety First! Before inspecting the guttering, drains and subfloor space make sure the area is safe and take appropriate safety precautions.
- › Before entering the subfloor, particularly if it has foil insulation, turn the power off at the mains to reduce the chances of electrocution – see the New Zealand Electrical Code of Practice, NZECP 55, for more information.
- › If your property is part of a unit title, consult your body corporate operational rules before beginning any work.
- › If you are renting out a heritage home or a home where heritage protection rules apply, contact your local authority about any rules or restrictions on work that can be done to the property.

- › Ground moisture barriers must be installed to meet the New Zealand Standard **4246:2016**¹. It includes a 10-step guide for the installation of a ground moisture barrier (called ‘on-ground vapour barrier’ in the standard) and safety guidance. If you are unsure about how to do work safely or what work you are required to do, contact a builder or drainlayer (that is a licensed building practitioner).
- › Alternatively, a ground moisture barrier with a vapour flow resistance of at least 50 MN s/g that was installed by a professional installer will be sufficient.
- › Remember to assess other standards while you are in the subfloor space – it is a good time to check whether the underfloor insulation is in good condition.

Remember

Don’t touch foil insulation or work in the subfloor space without turning off the power at the main switchboard. Once you have turned the power off, proceed with caution, as in some instances the foil may still be live. See New Zealand Electrical **Code of Practice NZECP 55**² for more information.

Stay out of spaces where there are known health and safety hazards – for example, asbestos dust, poorly installed electrical wires, or sewerage contamination. Get these sorted out first.

Don’t go into spaces that are too small or hard to exit.

Make sure you know where cables and pipes are before you dig to avoid damaging any services, which can result in injury, death, or a large repair bill. If in doubt, contact a drainlayer. Your local authority should be able to provide information on the services on your property.

¹ tenancy.govt.nz/assets/Uploads/Tenancy/NZS-42462016-Energy-efficiency-Installing-bulk-thermal-insulation-in-residential-buildings.pdf
² worksafe.govt.nz/dmsdocument/1592-new-zealand-electrical-code-of-practice-for-managing-electrical-risks-associated-with-electrically-conductive-thermal-insulation-nzcep-55-2016

Drainage and guttering

A rental property must:

- › efficiently drain storm water, surface water and ground water to an appropriate outfall, and
- › include appropriate gutters, downpipes, and drains to remove water from the roof.

The drainage system must ensure the rental home, including the land that it sits on, is not subject to periodic flooding during or after normal rain.

When assessing your property to see if it complies, look for damage to your existing drainage systems or any need for maintenance to keep it all working properly. In particular, you may wish to look for the following specific things.

For gutters and downpipes check that:

- › gutters are present to carry away water from all parts of the roof
- › all gutters are connected to a downpipe (directly or via another connected gutter)
- › all gutters and downpipes are of sufficient size to not overflow during normal rainfall
- › gutters have sufficient fall for water to flow into the connected downpipe (no stagnant water)
- › gutters and downpipes are intact (not broken, corroded or with pieces missing) and fixed well to the home (not loose)
- › gutters and downpipes are not obstructed or blocked (with leaf matter or other debris)
- › all downpipes direct water to an appropriate outfall.

An appropriate outfall will generally be the storm water system provided by your local council. However, an appropriate outfall may also be a properly working soakage system, natural watercourse, adequate water storage system or other constructed water way.

Internal gutters can be a particular risk for leaks and overflow if they are not properly maintained. Keep them clear of leaves and debris and check for damage or corrosion.

Remember it is the landlord's obligation to maintain the gutters, downpipes and drains in a reasonable state of repair, and this includes cleaning out leaves and debris as needed.

Check around the house and in the subfloor space that there are:

- › no leaking water pipes, gully traps or waste pipes
- › no downpipes discharging rainwater under the floor or onto the ground adjacent to the house
- › no leaks from wet areas inside the house
- › no surface water from surrounding ground, paths or driveways flowing under the building
- › no water rising up through damaged brick, concrete masonry or concrete foundations, or concrete floors.

The functionality of guttering, downpipes and drainage can be difficult to visually assess during dry weather or light rain. Checking the system visually from ground level during times of moderate rain can be helpful, or alternatively, speak to your tenants to see if they have observed any issues during wet weather. You can also seek professional assistance from a suitably qualified building surveyor (members of the New Zealand Institute of Building Surveyors (NZIBS), or Building Officials Institute of New Zealand (BOINZ), or a licensed building practitioner (plumber/drainlayer or builder).

Ground moisture barrier

If a home has a suspended floor (there is a cavity under the floor), and the subfloor space under the home is enclosed, then the home requires a ground moisture barrier.

A subfloor is enclosed if the airflow into and out of the space is significantly obstructed along at least 50 per cent of the perimeter of the subfloor space by one or more of the following:

- › a masonry foundation wall
- › fibre cement sheets, timber skirting, or other cladding
- › other parts of the building or any adjoining structure(s)
- › any other permanent or semi-permanent structure that significantly obstructs airflow
- › rock, soil, or other similar material.

Even where vents are built into the subfloor perimeter walls, airflow into and out of the space is usually significantly obstructed, and a ground moisture barrier is required.

If your subfloor has perimeter cladding such as baseboards, you should ensure there is a minimum 20mm gap between each board, and also ensure the gap runs along the entire length of each board of the entire subfloor perimeter.

At least two continuous gaps are recommended around the perimeter of a subfloor for adequate airflow. Cladding such as trellis does not significantly obstruct airflow.

If a property has adequate ventilation but still experiences a damp subfloor due to naturally occurring water sources, a ground moisture barrier is recommended to reduce moisture entering the home.

Requirements for ground moisture barriers

If there is an existing ground moisture barrier installed before 1 July 2019, make sure it does not have any significant holes or tears that allow moisture through. Ground moisture barriers installed before 1 July 2019 do not need to be installed in accordance with **NZS 4246:2016**³ but it is recommended you check installation against the standard to make sure the barrier is installed properly.

Check the existing ground moisture barrier for any signs of moisture on its upper surface, which could be the result of storm or surface water entering the subfloor space, or leaking plumbing pipes above. You will need to fix these problems.

If there is no ground moisture barrier or the existing moisture barrier is significantly damaged, then a new ground moisture barrier needs to be installed. Ground moisture barriers installed after 1 July 2019 must either meet the specifications in **NZS 4246:2016** or achieve a vapour flow resistance of at least 50 MNs/g and be installed by an appropriate professional installer.

When installing a ground moisture barrier follow the ten-step guide in NZ 4246:2016. In the standard, ground moisture barriers are called 'on-ground vapour barriers'.

³ [tenancy.govt.nz/assets/Uploads/Tenancy/NZS-42462016-Energy-efficiency-Installing-bulk-thermal-insulation-in-residential-buildings.pdf](https://www.tenancy.govt.nz/assets/Uploads/Tenancy/NZS-42462016-Energy-efficiency-Installing-bulk-thermal-insulation-in-residential-buildings.pdf)

Ongoing maintenance

If something is installed or provided to meet any of the healthy homes standards, it must be maintained in good working order. If it cannot be kept in good working order, it must be replaced in a reasonable timeframe. It is the landlord's obligation to make sure the premises, including the gutters, downpipes and drains, is properly maintained. It is also recommended that landlords ask their tenants to inform them of any maintenance issues.

Generally a ground moisture barrier does not need to be inspected regularly during a tenancy. However, if rips or tears are discovered that allow moisture to flow and pool above the barrier then they will need to be repaired or covered.

As soon as the landlord is made aware of something that is not in good working order, the landlord must repair it or organise for it to be repaired within a reasonable timeframe. A reasonable timeframe for replacement or repair will differ from situation to situation, depending on the availability of appropriate industry professionals, or replacement parts and components. It is always best to keep the tenant updated on the progress of any repairs and keep records of the repair process, for example, the dates professionals were contacted.



Exemptions

There are three general exemptions, that apply to all the healthy homes standards and one specific exemption that applies to the moisture ingress and drainage standard. The following information provides an overview only of exemptions. For complete information about exemptions, see the **Tenancy Services website**⁴.

The general exemptions are:

1. If the landlord intends to demolish or substantially rebuild the rental property and has applied for the relevant resource or building consent before the tenancy commences. This exemption will last for up to 12 months from the tenancy commencing with that work to begin within the grace period. It may end earlier in certain circumstances, for example if the consent lapses or is terminated, or the application for consent is refused. If requested, the landlord will need to provide evidence that they have applied for the relevant resource or building consent. More information about this exemption is available in regulation 31 of the **Residential Tenancies (Healthy Homes Standards) Regulations 2019**⁵
2. If the tenant is the immediate former owner of the rental property and the tenancy started immediately after the landlord acquired the property from the tenant. In this situation, an exemption will apply for 12 months from the date the tenancy commences.
3. If a rental property is part of a building and the landlord does not own the entire building (for example, if a landlord owns an apartment). The landlord will be partially exempt from complying with parts of the standards if their ability to comply with the healthy homes standards is impeded because:
 - › they need to install or provide something in a part of the building where the landlord is not the sole owner, or
 - › they need access to a part of the building that they are not the sole owner.
 - › Landlords must still take all reasonable steps to ensure the rental property or building complies with the healthy homes standards to the greatest extent reasonably practicable.

If one of these exemptions ceases to apply during the term of the tenancy (for example, the building consent expires), the landlord must comply with the healthy homes standards as soon as is reasonably practicable.

Where the exemption is because of a pending application for a resource or building consent and this is refused then the landlord will have to comply with the healthy homes standards, unless the landlord challenges the refusal. The exemption will be reinstated while the challenge is determined.

Definition of 'reasonably practicable'

It is not reasonably practicable to install something if a professional installer can't access the area without:

- › carrying out substantial building work, or
- › causing substantial damage to the property, or
- › creating greater risks to a person's health and safety than is normally acceptable, or
- › it is otherwise not reasonably practicable for a professional installer to carry out the work.

⁴ tenancy.govt.nz/healthy-homes/exemptions-to-the-healthy-homes-standards

⁵ legislation.govt.nz/regulation/public/2019/0088/latest/LMS148303.html



EXAMPLE

Mana and Bella are landlords of premises that is part of a unit title development. One of the downpipes from the guttering has become loose so it is not draining into the stormwater drain. Because the property's drainage system is not on property that Mana and Bella own (it's common property) Mana and Bella must speak to their Body Corporate about this issue.

The Body Corporate advises Mana and Bella that the repair work will be done in two months as part of a larger maintenance job. Under these circumstances, Mana and Bella's obligations change from ensuring there is efficient drainage to an appropriate outfall, to taking all reasonable steps to ensure there is efficient drainage to an appropriate outfall. Taking all reasonable steps would require Mana and Bella to work with the Body Corporate to make sure remediation work is undertaken as planned.

Specific exemption

A landlord is not required to have a ground moisture barrier where it is not reasonably practicable to install a polythene sheet that meets the requirements in NZS 4246:20166, and there is no existing ground moisture barrier. Landlords will not be required to install an alternative ground moisture barrier where the specific exemption applies.

The following scenarios demonstrate situations where impracticability exemptions may apply. The exemption applies, in particular, where:

- › an experienced professional installer cannot access the location to install the ground moisture barrier without substantial building work or causing substantial damage to the premises
- › an experienced professional installer cannot install the ground moisture barrier at the location without creating risks to the health or safety of any person that are greater than the risks that are normally acceptable when a ground moisture barrier is being installed by an experienced professional installer
- › it is otherwise not reasonably practicable for an experienced professional installer to install the ground moisture barrier at the location.

It is important to remember a professional installer may be able to install a ground moisture barrier in situations where landlords could not do so themselves.

This exemption lasts until it becomes reasonably practicable to install a ground moisture barrier.

Inaccessible subfloors

Areas of homes with concrete slab on ground floors are not required to have a ground moisture barrier installed as there is no enclosed subfloor space. Areas of subfloor spaces that are too low to the ground for a professional installer to access safely are not required to have a ground moisture barrier until such a time as it becomes possible (e.g. replacing floorboards, repiling). Where a subfloor is partially accessible, the accessible areas are required to have a ground moisture barrier.

The below images show common subfloor situations which are often not accessible without carrying out substantial building work or causing substantial damage to the property.



Figure 1: Areas of subfloor space with insufficient clearance

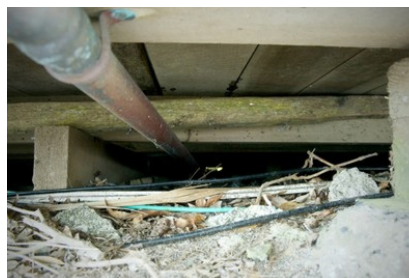


Figure 2: Areas of subfloor space with insufficient clearance

What is not exempt

Where there is no existing designated access point into an otherwise accessible subfloor space, landlords are expected to create one for the purposes of installing a ground moisture barrier so long as it does not require substantial building work and does not cause substantial damage to the premises or tenancy building. This may be temporary (for example, removing a fibre cement sheet from an enclosed subfloor perimeter wall), or permanent (for example, a hatch into a subfloor space).

Getting support

If you are unsure about any work that needs to be done, or how to do the work safely, it is strongly recommended you contact a licensed building practitioner.

Alternatively, you may contact the following organisations for further guidance, clarification or advice.

- › Use **this register**⁶ to find licensed building practitioners in your area
- › Use the plumber, gasfitter and drainlayer **public register**⁷ to find a drain layer or plumber in your area
- › Use the **electrical workers register**⁸ to find an electrician
- › Find an accredited **building surveyor**⁹
- › A number of professionals can install ground moisture barriers including providers from the following groups:
 - **Insulation Association of New Zealand (IAONZ)**¹⁰
 - **Community Energy Network (CEN)**¹¹
 - Licensed building practitioners.

6 lbp.govt.nz/do-i-need-an-lbp/find-an-lbp

7 pgdb.co.nz/public-register

8 kete.mbie.govt.nz/EW/EWPRSearch

9 boinz.org.nz/Site/accreditation/Find-an-Accredited-Building-Surveyor

10 iaonz.co.nz

11 communityenergy.org.nz



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